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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,098	03/30/2004	Boguslaw Gajdeczko	1857.2430000	3089

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
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WASHINGTON, DC 20005

EXAMINER

NOORI, MAX H

ART UNIT	PAPER NUMBER
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2855

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/24/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

fadkt@skgf.com

Office Action Summary

Application No.

10/812,098

Applicant(s)

GAJDECZKO ET AL.

Examiner

Max Noori

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-8,10 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1,3,6-8 and 14-161 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/29/6.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-8 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kuskovsky.

Regarding claims 1, Kuskovsky et al., discloses a method and apparatus for measuring pressure including pressure sensor comprising a diaphragm displaceable in response to pressure difference, a light transmitting source, a light receiver, a light splitter and a mirror for control for determining the pressure due to difference from diaphragm displacement.

Regarding claim 6, Kuskovsky et al., considers interference pattern (col. 15 line 46).

Regarding claim 7, Kuskovsky , teaches the use of the fiber optics as light transmitting sources (for example, elements such as 231, 430, 530).

Regarding claim 8, Kuskovsky , teaches the use of the first and second light source with a phase difference (see for example, col. 8, line 22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuskovsky as applied to claim 1 above, and further in view of Saaski et al.

Kuskovsky fails to explicitly disclose an optical reflective coating. Saaski et al. disclose a diaphragm that comprises a reflective coating. It would have been obvious for a skilled artisan at the time of the invention to modify Kuskovsky's diaphragm with some kind of reflective coating in order to maximize light reflection effect (col. 4, line 21).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuskovsky as applied to claim 1 above, and further in view of Sittler et al.

Kuskovsky fails to explicitly disclose that the semi-elastic inner portion comprises a polyimide film. Sittler et al. disclose a diaphragm that comprises a polyimide film (col. 6, lines 25-30). It would have been obvious, therefore, to one of ordinary skill in the art to modify the pressure gauge of Kuskovsky by making the diaphragm out of same film material as taught by Sittler et al. in order to make the diaphragm durable (Sittler et al. col. 6, line 30).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuskovsky, as applied to claim 1 above, in view of Sitter et al., and further in view of Madaffari et al.

Kuskovsky fails to explicitly disclose that the semi-elastic inner portion comprises a thin polyester film. Madaffari et al. disclose a diaphragm that comprises a thin polyester film (col. 3, lines 34-36). It would have been obvious to one of ordinary skill in the art to modify the pressure gauge of Kuskovsky by making the diaphragm out of Mylar as taught by Sittler et al. in

order to improve the linearity of the deflection of the diaphragm (Madaffari et al., col. 2, lines 4-6).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuskovsky, as applied to claim 1 above, and further in view of Conatser.

Kuskovsky fails to explicitly disclose that the semi-elastic inner portion comprises rubber. Conatser discloses a diaphragm that comprises rubber (col. 5, lines 11-12). It would have been obvious to one of ordinary skill in the art to modify the pressure gauge of Kuskovsky by making the diaphragm out of rubber in order to save cost (Conatser, col. 2, lines 27-31).

8. Claim 10 is allowed over the prior art of the record.

Response to Amendment

9. Applicant's amendment and arguments filed 11/06/06 have been fully considered but they are moot in view of the new ground of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will

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the statutory period for response expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (571) 272-2185. The examiner can normally be reached on Tuesday-Friday from 8:00 AM to 6:00 P.M.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The central fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHN

Friday, January 12, 2007



MAX NOORI
PRIMARY EXAMINER